

REMARKS

In the Advisory Action of January 18, 2005, the Examiner indicated that the Applicant's Response of January 3, 2005 had overcome the rejection of the pending claims under 35 U.S.C. 103(a) as being allegedly rendered obvious by Rockwell in view of Petit and further in view of Kawamoto.

The Examiner indicated that the Response did not address the double patenting rejection of claims 1, 5, 11-14, 17, 21, 23-26, 27, 62 and 67 under the judicially created doctrine of obviousness-type double patenting as being rendered obvious by claims 1, 2, 15, 17, 25-26, and 32 of U.S. Patent No. 6,811,779 (the '779 patent) (previously co-pending application no. 09/798,689) to Rockwell in view of Queen.

When this rejection was first asserted in the Office Action of 12/22/03, the '779 patent had not yet issued and therefore the double patenting rejection was provisional. In the 12/22/03 Office Action, the Examiner asserted that the conflicting claims in the 09/798,689 application are drawn to "a method for reducing tumor growth in a mammal with a combination of a VEGFR antagonist and radiation or a chemotherapeutic agent wherein the mammal is a human and the VEGFR antagonist is a monoclonal antibody and the method further comprises an EGFR antagonist." The claims that ultimately issued, however, make no mention of a method further comprising administering an EGFR antagonist. As such, Applicants submit that the present claims are not rendered obvious by the claims of the '779 patent in view of Queen for the same reasons asserted in the 6/22/04 Amendment in response to the 103 rejection of the claims as being rendered obvious by Rockwell et al (Mol. Cell. Diff., 3(4): 315-335 (1995)) in view of Queen.

Specifically, the claims of the '779 patent are directed to reducing tumor growth by administering a combination of an antibody that specifically binds to the extracellular domain of a VEGF receptor and radiation or a chemotherapeutic agent. There is absolutely no recitation, teaching or suggestion in the '779 claims of administering a combination of a VEGFR antibody and an EGFR antibody as recited by the present claims. Queen certainly does not make up for this deficiency as this reference makes no mention of reducing tumor growth, an EGFR antagonist, or a VEGFR antagonist, let alone reducing tumor growth by administering an EGFR antibody and/or a VEGFR antibody. Applicants submit that a *prima facie* case of obviousness has not been established as the '779 claims in combination with Queen do not teach each and every element of the claims.

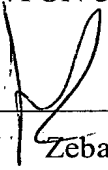
CONCLUSION

It is respectfully submitted that the present application is now in condition for allowance, as all outstanding issues have been addressed. The Examiner is invited to contact Applicants' representative to discuss any issue that would expedite allowance of the subject application.

Any fees for extension(s) of time or additional fees are required in connection with the filing of this response, such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is authorized to charge any such required fees or to credit any overpayment to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,
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